

PROB 12C
(7/93)

United States District Court
for
District of New Jersey

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Samier Bakhoury

Cr.: 00-CR-333(3)

Name of Sentencing Judicial Officer: The Honorable Nicholas H. Politan (As of 08/01/05 re-assigned to The Honorable Joseph A. Greenaway, Jr.)

Date of Original Sentence: 12/05/01

Original Offense: Conspiracy to Distribute 500 Grams or More of Cocaine

Original Sentence: Thirty (30) months custody; Five (5) years supervised release.

Type of Supervision: Supervised Release

Date Supervision Commenced: 03/28/03

Assistant U.S. Attorney: Marc A. Agnifilo

Defense Attorney: Gary Mizzone

PETITIONING THE COURT

To issue a warrant
 To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1. The offender has violated the supervision condition which states '**You shall not commit another federal, state, or local crime.**'

On September 7, 2005, the offender was arrested by the Jersey City Police, and charged with the law violation of shoplifting.

Bakhoury appeared in Jersey City Municipal Court on September 8, 2005, and was convicted of the aforementioned offense. Thereafter, he was sentenced to serve twenty (20) days in the Hudson County Jail, as well as to pay fines amounting to \$258.

2. The offender has violated the supervision condition which states '**You shall not commit another federal, state, or local crime.**'

According to a Bayonne Police Report, a motor vehicle stop was initiated after a police officer observed the offender failing to stop at a stop sign. The offender did not have a driver's license in his possession, and claimed to the police officer that he was Ramy Shedad (who the offender later admitted was his cousin's name). The information provided by the offender, specifically the date of birth for Ramy Shedad, was inconsistent with the information as contained in motor vehicle records. The police officer questioned the offender further, at which time Bakhoury admitted to his true identity. Thereafter, he was arrested and charged with the law violation of, hindering apprehension by providing a false name. The offender was also issued motor vehicle summonses for failing to stop or yield, and operating a motor vehicle with a suspended license. Subsequent computer inquiries revealed that there were warrants for the offender from Bayonne Municipal Court, Seaside Heights Municipal Court, and Paramus Municipal Court.

Bakhoury appeared in Bayonne Municipal Court before Judge Frank A. Carpenter on December 14, 2004. He was convicted of an amended charge of loitering. Thereafter, he was sentenced to pay fines amounting to \$206.

3. The offender has violated the supervision condition which states '**You shall not commit another federal, state, or local crime.**'

The offender was stopped by the Union City Police Department on February 23, 2004. During this motor vehicle stop, the offender was taken into custody upon the belief that he was operating a motor vehicle under the influence of alcohol. Thereafter, the offender refused to submit to a breathalyzer test and was charged with violating this law.

Bakhoury was convicted of the offense in Union City Municipal Court on April 14, 2004. At the time, he was sentenced to pay fines amounting to \$605, and to participate in screening, evaluation, educational treatment, and program requirements of the Intoxicated Driver Resource Center. The offender's driver's license was also suspended.

4. The offender has violated the supervision condition which states '**You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.**'

The offender failed to report to this officer as instructed on July 7, 2005, and August 16, 2005.

Throughout the period of supervision the offender has failed to submit monthly supervision reports within the first five days of the month. Currently he has failed to submit monthly supervision reports for the months of January 2005 through July 2005.

5. The offender has violated the supervision condition which states '**You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.**'

Given the suspension of his driver's license, in relation to the Union City Municipal Court alcohol related conviction, the offender was instructed by this officer not to operate a motor vehicle until his driving privileges were restored by the New Jersey Motor Vehicle Commission. Bakhoury failed to follow the instructions of his probation officer as he was operating a motor vehicle, on October 20, 2004, as evidenced by the Bayonne Police motor vehicle stop and subsequent arrest of the offender.

Pursuant to the Union City Municipal Court conviction, the offender was required to attend one Alcoholic's Anonymous meeting per week for six months in compliance with the requirements of the Intoxicated Driver's Resource Center Program. As a sanction for his noncompliance with the conditions of supervision, the offender was instructed to provide proof to this writer that he was attending one Alcoholic's Anonymous meeting per week. Bakhoury despite numerous opportunities afforded by this writer, has failed to follow his probation officer's instructions to date, as evidenced by failing to provide any documentation proving that he attended the Alcoholic's Anonymous meetings as instructed.

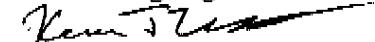
6. The offender has violated the supervision condition which states '**You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.**'

Bakhoury has used drugs as evidenced by the results of the following urine specimens: urine specimen # C003044541 obtained on April 25, 2005, indicated a positive result for Phencyclidine(PCP); urine specimen # C00263305 obtained on May 12, 2005, and urine specimen # C00389604 obtained on July 12, 2005, both indicated positive results for Cocaine and Morphine.

On May 12, 2005, the offender admitted and voluntarily signed an Admission of Drug Use Form admitting that he used Xanax without a prescription on May 7, 2005.

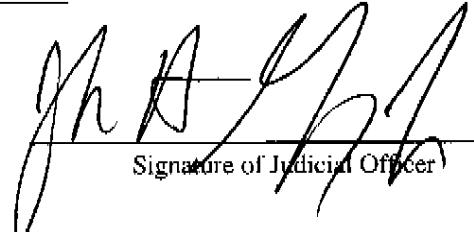
Furthermore, during an office visit on July 12, 2005, the offender verbally admitted to this writer, that approximately two weeks prior to our meeting, that he was buying and using Codeine, and OxyContin pills off of the street, and that he used approximately 2-3 of these pills per day for several days.

I declare under penalty of perjury that the foregoing is true and correct.


By: Kevin J. Mullens
Senior U.S. Probation Officer
Date: 09/12/05

THE COURT ORDERS:

The Issuance of a Warrant
 The Issuance of a Summons. Date of Hearing: _____
 No Action
 Other


Signature of Judicial Officer

9-12-05

Date